

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Case #04-30170-MAP

WESTFIELD EAST MAIN )  
STREET LLC, Plaintiff )

v. )

C. DAVID TRADER, )  
JEAN M. TRADER, )

JOSEPH B. MITCHELL, )  
TERESA K. MITCHELL, )  
DONALD GOVE, )  
MARK D. SIEBERT, )  
BRIAN BURKE, )  
MICHAEL BRETON, )  
BRADFORD MOIR, )  
MARY MOIR, )  
INTERSTATE BUILDING )  
SUPPLY, INC., and )  
LUMBER CENTER, INC., )  
Defendants )

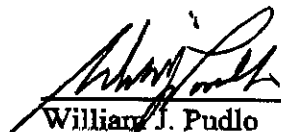
DEFENDANTS' ASSENTED TO  
EMERGENCY *EX PARTE*  
MOTION TO CONTINUE PRETRIAL  
CONFERENCE TO A LATER DATE

Now come the Defendants' through Counsel, and move this Honorable Court to continue the Pretrial Conference scheduled for Thursday, September 1, 2005 at 2:00 p.m. to a later date.

As grounds for this Motion Defendants state that their Counsel has been involved in serious medical problems involving his mother and sister, all as more particularly set forth in the Affidavit of William J. Pudlo attached hereto and made a part hereof. The impact of the circumstances surrounding Defendants' Counsel has made it difficult for

Counsel to complete the tasks required by the Court, in preparation for the Pretrial Conference, within the time remaining before the scheduled date.

The Defendants,  
by their Attorney,

  
\_\_\_\_\_  
William J. Pudlo  
P.O. Box 676  
West Springfield, Mass. 01090  
Telephone: (413) 739-4000

Assented to by Telephone:

  
\_\_\_\_\_  
Pamela Zorn

#### Certificate of Service

I, William J. Pudlo, hereby certify that I have served a copy of the above pleading by transmitting a copy by facsimile transmission and mailing a copy of the same, postage prepaid, to David A. Brown, 101 Federal Street, Boston, Massachusetts 02110.

Dated: August 25, 2005

\_\_\_\_\_  
William J. Pudlo

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Defendants )

AFFIDAVIT OF WILLIAM J. PUDLO  
IN SUPPORT OF DEFENDANTS'  
EMERGENCY MOTION TO CONTINUE  
PRETRIAL CONFERENCE TO  
A LATER DATE

I, William J. Pudlo, do depose and say that:

1. I am a duly licensed Attorney in the Commonwealth of Massachusetts with privileges to practice before this Honorable Court, with a mailing address of P.O. Box 676, West Springfield, Massachusetts 01090.
2. I have been Counsel of record for the Defendants in this action since its inception.
3. As I have previously reported to this Court, my mother and sister have been undergoing treatment for cancer (mother's bladder and sister's bi-lateral breast) since earlier this year.
4. Since my last report to this Court, my sister has undergone two separate surgeries at Faulkner Hospital in Boston (6/13 and 7/13) and begins aggressive chemotherapy today, August 25, 2005.

5. My mother, who has also undergone two separate surgeries (4/26 and 5/27) was hospitalized on August 4, 2005 and treated for an life threatening imbalance with her electrolytes and blood sugar.
6. My mother was released to a rehabilitation facility on August 10, 2005 and immediately began exhibiting symptoms of another medical problem.
7. On August 13, 2005 my mother was hospitalized once again, and after several days of testing was diagnosed with an intestinal blockage.
8. Following several days of conservative treatment to resolve the blockage, it was determined that she would require surgery, despite the complexity of her present medical condition.
9. My mother will have surgery today, August 25, 2005 to treat the blockage.
10. As a result of the circumstances and events of the past three weeks, I have been unable to concentrate my efforts on the work required to complete all of the matter in preparation for the Pretrial Conference in this case.
11. The Pretrial Memorandum was to be filed with the Court today, and although I have been in contact with opposing Counsel, I have been unable to complete my portion of the work before this date.
12. I anticipate, on the basis of the advice of my mother's doctors, that she will require no less than two weeks of further hospitalization, assuming she survives her surgery and will require several weeks of rehabilitation and recuperation in order to resume her radiation and chemotherapy.
13. Since my sister will be limited in assisting me with our mother's care and aftercare, I will bear a greater responsibility, including assisting my sister who is a widow.
14. As a result of these circumstances I have sought assent to the Defendant's Motion to Continue the Pretrial Conference to a later date in early October as the Court's calendar permits.

The foregoing statements are true to the best of my information and belief and made under the pains and penalties of perjury.

Dated: August 25, 2005

  
William J. Pudlo

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